

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

South Capital Group, Inc.,)	
)	
Plaintiff,)	C/A No.: 3:12-cv-00289-TLW
)	
v.)	
)	
Town of Blythewood; Edwin B. Garrison;)	
Crescent Hill Partners, LLC;)	
Crescent Partners SRES, LLC; and)	
John Does 1 through 10,)	
)	
Defendants.)	
_____)	

ORDER

This Court entered an Order on April 29, 2013 (Doc. #78) temporarily staying the above-captioned matter and relieving attorneys Daryl G. Hawkins and Charles E. Usry, and the Law Office of Daryl G. Hawkins, LLC from continuing as counsel for Plaintiff South Capital Group, Inc. (“plaintiff”). In addition, the Court concurrently entered an Order (Doc. #79) notifying plaintiff that it had forty-five (45) days from date of entry of the Order, April 29, 2013, within which to obtain replacement counsel and to notify this Court of the identity of replacement counsel.¹ Plaintiff was specifically informed in both Orders that if plaintiff failed to obtain replacement counsel or to notify this Court of new counsel’s identity within the time prescribed, the above-captioned case would be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41.

¹ Furthermore, this Court’s Order notified plaintiff that, as a corporation, it may only appear in United States District Court for the District of South Carolina through an attorney duly licensed to practice in the district. (Doc. #78; Doc. #79 (citing Palazzo v. Gulf Oil Corp., 764 F.2d 1381, 1385 (11th Cir. 1985)).

Plaintiff has failed to comply with this Court's Orders. Plaintiff has had no further communication with the Court regarding the above-captioned case. The record reflects that plaintiff was served with this Court's April 29, 2013 Orders (Docs. #78, 79) through its principals, Mr. David H. Hilburn and Mr. George Delk, on May 3, 2013 and May 13, 2013 respectively. (Doc. #81; 84). Further, the record reflects that plaintiff's former counsel also served this Court's Orders on Mr. David H. Hilburn and Mr. George Delk, both as principals of plaintiff, on May 8, 2013. (Doc. #82).

Plaintiff has failed to obtain replacement counsel and has failed to notify the Court of its replacement legal counsel or to otherwise communicate with the Court. The deadline for plaintiff to notify this Court of replacement counsel expired on June 14, 2013. (Doc. #83). As plaintiff was informed in the April 29, 2013 Orders, because plaintiff is a corporation, it may only appear in this Court through an attorney duly licensed to practice in this district. (Doc. #79).

Plaintiff has failed to respond to an Order of this Court and has failed to prosecute the above-captioned case. Accordingly, **IT IS ORDERED** that the above-captioned case be and hereby is **DISMISSED** without prejudice for failure to comply with an Order of this Court and for failure to prosecute pursuant to Federal Rule of Civil Procedure 41. See Link v. Wabash R.R. Co., 370 U.S. 626 (1962).

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
Chief United States District Judge

July 12, 2013
Columbia, South Carolina